

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

IN RE COMMVault SYSTEMS, INC.  
SECURITIES LITIGATION

Civil Action No. 14-5628 (PGS)(LHG)

**PRETRIAL SCHEDULING**  
**ORDER**

**THIS MATTER** having come before the Court on **November 10, 2016**, for an initial conference pursuant to Fed. R. Civ. P. 16; Joshua Howley, Esq., of Sills Cummis & Gross PC, and Joseph De Simone, Esq., of Mayer Brown LLP appearing on behalf of Defendants; James Cecchi, Esq., of Carella Bryne Cecchi Olstein Brody & Agnello, PC, James Harrod, Esq., and Jai Chandrasekhar, Esq., of Bernstein Litowitz Berger & Grossmann LLP, and Jonathan Gardner, Esq., of Labaton Sucharow LLP appearing on behalf of Plaintiff; and for good cause shown,

**IT IS** on this **1<sup>st</sup>** day of **December, 2016**,

**ORDERED** that the parties shall submit to the Court an agreed-upon ESI protocol, if necessary, or disputes related to the ESI protocol, if any by no later than **December 2, 2016**; and it is further

**ORDERED** that substantial completion of rolling document production shall occur by no later than **May 1, 2017**; and it is further

**ORDERED** that the rolling exchange of initial privilege logs shall commence on **March 1, 2017 and be updated every 30 days thereafter**; and it is further

**ORDERED** that any class-certification motion shall be filed by no later than **May 12, 2017**; and it is further

**ORDERED** that any opposition to a motion for class certification shall be filed by no later than **June 26, 2017**, and made returnable by **August 7, 2017**; and it is further

**ORDERED** that any reply in support of a motion for class certification shall be filed by no later than **July 31, 2017**; and it is further

**ORDERED** that any requests for admission shall be served by no later than **August 15, 2017**; and it is further

**ORDERED** that the parties shall identify any subject matter on which they expect to submit affirmative expert reports by no later than **August 15, 2017**; and it is further

**ORDERED** that fact discovery is to remain open through **September 15, 2017**. No discovery is to be issued or engaged in beyond that date, except upon application and for good cause shown; and it is further

**ORDERED** that any motion to amend the pleadings or join new parties must be with leave of Court and filed no later than **May 12, 2017**, and made returnable by **June 5, 2017**; and it is further

**ORDERED** that the parties shall serve any affirmative expert reports no later than **October 16, 2017**; and it is further

**ORDERED** that the parties shall serve any rebuttal expert reports no later than **December 1, 2017**; and it is further

**ORDERED** that the parties shall complete all expert discovery by **January 12, 2018**; and it is further

**ORDERED** that dispositive motions may be filed by no later than **February 9, 2018**, and made returnable by **March 5, 2018**. Counsel are to notify Chambers within five days of a decision on any dispositive motions if the decision does not resolve all issues in the case; and it is further

**ORDERED** that counsel will confer in an attempt to resolve any discovery or case management disputes before making such dispute the subject of an application to the Court. Any such dispute shall be brought to the Court's attention by letter, no more than five pages in total, setting forth the nature of the dispute and any efforts to resolve it. Any response shall be similarly limited to five pages in total and shall be submitted within forty-eight hours of the initial letter. **No discovery motion or motion for leave to amend will be entertained absent leave of Court**

**and counsel's full compliance with L. Civ. R. 37.1(a)(1); *see also* L. Civ. R. 16.1(f)**; and it is further

**ORDERED** that a telephone status conference is scheduled for **January 12, 2017 at 2:00 p.m.** (please note this time is different from the one set at the Initial Conference), with Plaintiff's counsel to initiate the telephone call; and it is further

**ORDERED** that a date for the final pretrial conference will be set at a later date; and it is further

**ORDERED** that counsel are further directed to meet together by agreement, initiated by Defendants' counsel no later than twenty days before the date of the pretrial conference to:

- a. discuss settlement;
- b. stipulate to as many facts and issues as possible;
- c. prepare a Final Pretrial Order in the form and content as required by the Court. Plaintiff's counsel will prepare the Final Pretrial Order and will submit it to all other counsel for approval and execution. Counsel are responsible for the timely submission of the Final Pretrial Stipulation and Order;
- d. examine all exhibits and documents proposed to be used at trial;
- e. complete all other matters which may expedite both the pretrial and trial of the case.

**ORDERED** that appropriate markers shall be affixed to the exhibits at or prior to the time they are shown to opposing counsel at the meeting of the counsel referred to above, and each marker will bear the number of the exhibit to which it is affixed; and it is further

**ORDERED** that at the pretrial conference counsel should be prepared to discuss settlement of the case. Clients must be available by telephone; and it is further

**ORDERED** that since all dates set forth herein are established with the assistance and knowledge of the parties, there will be no extensions except for good cause shown and by leave of Court, even with consent of all parties; and it is further

**ORDERED** that the Court may, from time to time, schedule conferences as may be required, either on its own motion or at the request of counsel; and it is further

**ORDERED** that failure to appear at subsequent conferences, or to comply with any of the terms of this Order, may result in sanctions; and it is further

**ORDERED** that the parties are advised that the Court has various audio/visual and evidence presentation equipment available for use at trial at no cost to the Bar. This equipment includes an evidence presentation system, which consists of a document camera and a projector. The projector may be used to display images which originate from a variety of sources, including television, VCR and personal computer. The document camera may be used to display documents, photographs, charts, transparencies and small objects. For further information, please contact the Courtroom Deputy Ivannya Jimenez at 609-989-2114; and it is further

**ORDERED** that counsel are invited to use the George H. Barlow Attorney Conference Room located on the third floor of the Courthouse Annex. The room is equipped with telephones, laptop access/printer, copier and fax.

A handwritten signature in black ink, appearing to read "Lois H. Goodman", written over a horizontal line.

**LOIS H. GOODMAN**  
**United States Magistrate Judge**